LeMond Cycling, Inc. v. Trek Bicycle Corporation
Doc. 148 Att. 2

Exhibit 79

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

vs.

TREK BICYCLE CORPORATION,

Defendant & Third-Party Plaintiff,

vs.

GREG LEMOND,

Third-Party Defendant.

Civil No. 08-1010

CERTIFIED COPY

VIDEOTAPED

DEPOSITION OF WARREN GIBSON

DATE: Tuesday, March 17, 2009

TIME: 9:04 a.m.

LOCATION: THE TOLL HOUSE HOTEL
140 South Santa Cruz Avenue
Santa Cruz Room
Los Gatos, CA 95030

REPORTED BY: AUDREY KOLTERER, CSR NO. 11875

#32982

Advantage ARS Reporting Services, LLC
1083 Lincoln Avenue, San Jose, California 95125, Telephone (408) 920-0222, Fax (408) 920-0188

10:26:54 A. No, I don't.
10:26:54 Q. Would it surprise you if there are no records of such -- or very few records of such people actually contacting Trek directly?
10:27:04 MR. TOBIN: Which one is it, very few?
10:27:05 MS. RAHNE: Very few.
10:27:08 THE WITNESS: I could not tell you that.
10:27:13 MR. TOBIN: That's your answer.
10:27:14 THE WITNESS: I could not tell you that.
10:27:18 Q. BY MS. RAHNE: Mr. Gibson, so you have -- it sounds like you have a lot of knowledge of purchases that you were involved in, correct?
10:27:24 A. That's correct, yes.
10:27:26 Q. Isn't it true that you don't -- do not have actual knowledge of what payments were made to Trek from LeMond Cycling ultimately for the bikes?
10:27:37 A. I don't -- I don't know what was paid to Trek.
10:27:40 Q. And you don't know if there was any discrepancy, what the purpose of the discrepancy was?
10:27:45 A. I don't know.
10:27:45 Q. So it could have been overhead built in or it could have been some other cost that was built in internally -- internally? You don't know that, right?
10:27:54 A. I don't.

10:27:54 MR. WEBER: Object to the form of the
10:27:56 question. Calls for speculation.
10:27:58 Q. BY MS. RAHNE: I'm just asking whether you
10:28:00 know.
10:28:00 A. I don't know.
10:28:00 Q. Mr. Gibson, did you meet with anybody in
10:28:05 preparation for this deposition?
10:28:06 A. Yes.
10:28:07 Q. And who did you meet with?
10:28:08 A. I met with my attorney Bob Tobin, Mr. Weber,
10:28:17 and --
10:28:18 Q. Mr. Burns?
10:28:18 A. -- Mr. Burns, yes.
10:28:20 Q. How many meetings were there in preparation
10:28:22 for this deposition?
10:28:23 A. One.
10:28:24 Q. And when did that meeting occur?
10:28:25 A. Yesterday.
10:28:26 Q. And who was at that meeting?
10:28:28 A. Three individuals I just named.
10:28:31 Q. Were there any other meetings prior to coming
10:28:36 into this room for this deposition?
10:28:38 A. No.
10:28:38 Q. Did you by chance have breakfast with
10:28:44 Mr. Weber this morning?

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